

grossed Bills, have had S. B. No. 365 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 453 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 222 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 452 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 343 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

#### FIFTY-FOURTH DAY.

(Thursday, April 8, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin.	Isbell.
Beck.	Lemens.
Burns.	Moore.
Collie.	Neal.
Cotten.	Nelson.
Davis.	Newton.
Head.	Oneal.
Hill.	Pace.
Holbrook.	Rawlings.

Redditt.	Sulak.
Roberts.	Van Zandt.
Shivers.	Weinert.
Small.	Westerfeld.
Spears.	Winfield.
Stone.	Woodruff.

The following Senator was absent and excused:

Brownlee.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with on motion of Senator Aikin.

#### Leave of Absence Granted.

Senator Brownlee was granted leave of absence for today on account of important business, on motion of Senator Lemens.

#### Reports of Standing Committees.

Reports on Senate Bill No. 463, on House Bills Nos. 932, 146, 759 and 980 were submitted by the Chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 8, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on House Bill No. 321 by a vote of 111 yeas, 1 nay.

The House has concurred in Senate amendments to House Bill No. 721 by a vote of 114 yeas, 1 nay.

The House has concurred in Senate amendments to House Bill No. 796 by a vote of 122 yeas, 1 nay.

The House has concurred in Senate amendments to House Bill No. 122 by a vote of 114 yeas, 1 nay.

The House has passed the following bills:

S. B. No. 12, A bill to be entitled "An Act creating the Motor Transportation Division of the Railroad Commission; providing for the appointment of the members and a chairman thereof; fixing the term of

office; prescribing their duties; fixing compensation for such members and making such payable out of general revenue and appropriations; providing for their removal; defining certain terms as used herein; providing for review and appeal from the decisions of the Division and/or Commission, giving said Division Commissioners authority to promulgate rules and regulations; authorizing Division Commissioners to sit with the Interstate Commerce Commission; providing for sessions to be held at Austin, Texas, or elsewhere in an emergency; providing a quorum of such Division; providing for the authentication of the official acts of the Division; providing for the adoption of a seal; providing that said Division shall keep a full, accurate and complete record of all the proceedings had before them; providing for the filling of vacancies; providing for the appointment of employees and their compensation; providing for the use of written interrogatories and oral depositions; providing rules of evidence and notice for the use of such written interrogatories and oral depositions; providing a style of commissions for written interrogatories and oral depositions; providing for the cumulation of Articles 3740-3743, 3746-3752, 3756-3769, inclusive, 3769b, 3769c, R. C. S., Texas, 1925, and certain other articles; providing for the intervention or protest of a party at interest; adopting rules of evidence, and providing for a change of such upon notice; providing for a savings clause; making appropriation, etc.; declaring the policy; and declaring an emergency."

(With amendments.)

S. B. No. 46, A bill to be entitled "An Act amending Article 2484, Revised Civil Statutes of 1925, as amend by Acts of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, requiring certain reports to be made to the Banking Commissioner, and prescribing the time for filing such reports, the fees therefor, prescribing penalty for failure to file; exempting such associations from all franchise or other license tax; and declaring an emergency."

S. B. No. 80, A bill to be entitled "An Act authorizing and empowering all water improvement districts created and organized under Chapter 2 of Title 128, Revised Civil Statutes

of Texas, to levy, assess and collect an annual tax not to exceed twenty (20) cents on taxable properties situated in the boundaries of such districts, provided such districts have sold sufficient of its bonds to pay for the obtaining and have obtained by the erection of a dam or dams or otherwise its water supply needed for the purpose of its creation, and have exhausted the moneys obtained from such bond sales, and are unable to obtain revenues for necessary repairs to its properties and to maintain and protect same and to meet any reasonable or necessary contingent or legal expense incurred in behalf of such districts; and to validate all taxes for all of said purposes levied or assessed by any water improvement district since the year 1931, when levied and assessed under such circumstances; but providing that the authority to raise such fund by taxation to meet such expense shall cease when available funds for such purposes are otherwise reasonably obtainable; and declaring an emergency."

(With amendments.)

S. B. No. 218, A bill to be entitled "An Act amending Chapter Thirteen of the Acts of the Forty-second Legislature of Texas, Third Called Session, as amended by the Acts of the Forty-third Legislature of Texas, Regular Session, by adding thereto Section 8a, providing that the provisions thereof shall apply to navigation districts to the extent that the proceeds of the sale of bonds of such navigation districts may have been actually expended in the construction of bridges on designated State highways, and providing that such proceeds of such bonds of said districts so expended shall be redeemable in the manner as is provided by said Chapter Thirteen, as amended, for the redemption of county and road district bonds, and declaring an emergency."

S. B. No. 235, A bill to be entitled "An Act amending Sections 4 and 7 of Senate Bill 165, Chapter 165, passed by the Forty-second Legislature, at its regular session; repealing all laws and parts of laws in conflict herewith; providing that if any part of this bill be held invalid, same shall not affect the remainder hereof; and declaring an emergency."

(With amendments.)

S. B. No. 337, A bill to be entitled "An Act making an appropriation to pay the increase of salaries to district judges as authorized by H. B. No. 10, Acts of the Regular Session of the Forty-fifth Legislature, and providing for method of payment of such salaries, and declaring an emergency."

(With amendments.)

S. B. No. 433, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than two thousand and forty-eight (2048) inhabitants, nor more than two thousand, two hundred and eighteen (2218) inhabitants according to the last Federal census as to population, and providing for the manner of the payment of the salaries and the funds from which said salaries shall be paid; and repeal all laws in conflict herewith, and declaring an emergency."

S. B. No. 441, A bill to be entitled "An Act authorizing the board of trustees of La Grange Independent School District, Fayette County, Texas, to compensate L. J. Rose for services rendered to said district, and declaring an emergency."

S. B. No. 448, A bill to be entitled "An Act to create Road District No. 7-A, in Cass County, Texas; validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district; validating the authorization and issuance of road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

S. B. No. 381, A bill to be entitled "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, as amended by Act of Forty-third Legislature, approved March 10, 1933, and as amended by Senate Bills Nos. 242 and 523, passed by the Forty-fourth Legislature and approved April 27, 1935,

and May 17, 1935, respectively, relating to the administration of private corporations in receiverships and providing for the extension of time of such receiverships and providing that corporations organized and existing under Section 68 of Article 1302, Chapter One of Title 32, and under Title 112, of the Revised Civil Statutes of Texas, shall be exempt from certain of its provisions; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Resolution No. 63.

Senator Holbrook offered the following resolution:

Whereas, Dr. T. U. Taylor, of the Engineering Department of the University of Texas, has kindly sent the mover of this resolution a photograph of the 1881 Senate of Texas, which was the last Senate to sit in the old Capitol building which burned on November 9th, 1881, and which Senate had the honor to actually build the present University of Texas; and

Whereas, The thoughtfulness of Dr. Taylor in having made and preserved a photograph of this Senate will aid greatly in completing our Art Gallery, which is composed of the likenesses of our great predecessors, deserves our appreciation and commendation, which is hereby tendered to him. Now, therefore, be it

Resolved, by the Senate of Texas, That sufficient money be appropriated out of the contingent fund to have this picture enlarged to the size of those now hanging upon the Senate walls, and that a committee of three members of the Senate be appointed by the Lieutenant-Governor to have this work done in a proper way and that when completed the enlarged picture be placed in the Senate gallery along with the others now reposing here.

The resolution was read.

On motion of Senator Holbrook, and by unanimous consent, the regular order of business was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

**Bills and Resolutions Signed.**

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 218, "An Act amending Chapter 13 of the Acts of the Forty-second Legislature of Texas, Third Called Session, as amended by the Acts of the Forty-third Legislature of Texas, Regular Session, by adding thereto Section 8a, providing that the provisions thereof shall apply to navigation districts to the extent that the proceeds of the sale of bonds of such navigation districts may have been actually expended in the construction of bridges on designated State highways, and providing that such proceeds of such bonds of said districts so expended shall be redeemable in the manner as is provided by said Chapter 13, as amended, for the redemption of county and road district bonds, and declaring an emergency."

H. B. No. 131, "An Act amending Article 1119 of the Revised Civil Statutes of Texas of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas; providing that persons, companies or corporations engaged in the telephone business in incorporated cities and towns shall be included in the provisions of said article; and to limit the earnings of persons, companies, or corporations coming within the provisions of said article to an amount not exceeding a fair return upon the fair value of the property used and useful in rendering its service to the public, etc.; repealing all laws and parts of laws in conflict herewith; providing if any part of the Act is declared unconstitutional, it shall not affect the validity of the remainder of the Act, and declaring an emergency."

S. B. No. 381, "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, as amended by Act of Forty-third Legislature, approved March 10, 1933, and as amended by Senate Bills Nos. 242 and 523, passed by the Forty-fourth Legislature and approved April 27, 1935, and May 17, 1935, respectively, relating to the administration of private corporations in receiverships and providing for the extension of

time of such receiverships and providing that corporations organized and existing under Section 68 of Article 1302, Chapter One of Title 32, and under Title 112, of the Revised Civil Statutes of Texas, shall be exempt from certain of its provisions; and declaring an emergency."

S. B. No. 46, "An Act amending Article 2484, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, requiring certain reports to be made to the Banking Commissioner, and prescribing the time for filing such reports, the fees therefor, prescribing penalty for failure to file; exempting such associations from all franchise or other license tax; and declaring an emergency."

S. B. No. 433, "An Act to fix the salaries of county commissioners in counties with a population of not less than two thousand and forty-eight (2048) inhabitants, nor more than two thousand, two hundred and eighteen (2218) inhabitants, according to the last Federal census as to population, and providing for the manner of the payment of the salaries and the funds from which said salaries shall be paid; and repeal all laws in conflict herewith, and declaring an emergency."

S. B. No. 441, "An Act authorizing the board of trustees of La Grange Independent School District, Fayette County, Texas, to compensate L. J. Rose for services rendered to said district, and declaring an emergency."

S. B. No. 448, "An Act to create Road District No. 7-A, in Cass County, Texas; validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district; validating the authorization and issuance of road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

H. C. R. No. 87, Authorizing cor-

recion of enrolled copy of H. B. No. 131.

**Senate Concurrent Resolution  
No. 54.**

Senator Holbrook offered the following resolution:

S. C. R. No. 54, Relating to inscriptions on memorials erected by the State.

Whereas, The Legislature of the State of Texas appropriated several million dollars for the purpose of commemorating the celebration of our Centennial last year, and in connection therewith allocated most of this money to buildings, monuments, and markers for the purpose of commemorating the glorious deeds of the gallant heroes and patriots who devoted their lives and efforts to the task of establishing the early Republic, and afterwards the State of Texas; and

Whereas, It was never intended that such buildings, structures, monuments and markers erected in memory of these heroes out of the moneys thus appropriated by the Legislature be dedicated to any other purpose than to pay tribute to those deserving statesmen, citizens, and soldiers who have passed to the Great Beyond, and whose memory ought to be cherished and kept alive as an inspiration to those generations who come after us; and

Whereas, It has come to the notice of the Legislature, and to the people in general who have viewed the buildings, structures, monuments and markers which have already been completed and dedicated, that there has been a generous use of names of persons now living, carved and wrought upon them and especially of those who have been designated as agents of the State and Nation to erect these structures; and

Whereas, It was not the intention of this Legislature to advertise or perpetuate the names of such living persons which have been inscribed or placed on or about these structures, however worthy they may be as citizens of Texas—it being the sole purpose of the sovereignty on the part of both the State and the Nation to honor the memory of the illustrious dead; now therefore be it

Resolved by the Senate of Texas,

the House of Representatives concurring, That the Legislature does not view with approval the acts of those agencies who have been charged with the duty of erecting these memorials, in inscribing their names or any others of people now living, upon or about such memorials, and instruct such agencies to hereafter desist from such practice, and that it is the sense of the Legislature that any inscription placed about such memorials should simply state that they have been erected by the sovereignty for the sole and exclusive purpose of commemorating the lives and deeds of the mighty dead whom we desire to honor, and any violation hereof by such agencies in the erection of any future memorial, should be prohibited and that wherever possible such names should be removed from those that have already been erected and dedicated.

The resolution was read.

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended, to permit consideration of the resolution at this time.

Senator Oneal moved that the resolution be tabled subject to call.

Yeas and nays were demanded, and the motion was lost by the following vote:

**Yeas—8.**

Aikin.	Oneal.
Isbell.	Spears.
Nelson.	Van Zandt.
Newton.	Woodruff.

**Nays—19.**

Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Sulak.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	

**Absent.**

Cotten.	Winfield.
Stone.	

**Absent—Excused.**

Brownlee.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—22.

Beck.	Nelson.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Sulak.
Isbell.	Weinert.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—5.

Aikin.	Spears.
Lemens.	Van Zandt.
Newton.	

Present—Not Voting.

Oneal.

Absent.

Stone. Winfield.

Absent—Excused.

Brownlee.

#### Report of Free Conference Committee on House Bill No. 321.

Senator Pace moved that the report of the free conference committee on H. B. No. 321, submitted on April 6, 1937, and printed in the Journal of that day, be adopted.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

#### Report of Conference Committee on House Bill No. 969.

Senator Rawlings submitted the following report of the free conference committee on H. B. No. 969:

Austin, Texas, April 7, 1937.

Hon. Walter F. Woodul, President of the Senate,

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on H. B. No. 969, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said H. B. No. 969 be adopted in the form hereto attached.

Very Respectfully,

RAWLINGS,  
NEAL,  
ISELL,  
VAN ZANDT,  
WOODRUFF,

On the part of the Senate.

SMITH of Tarrant,  
JOHNSON of Tarrant,  
KING,  
AMOS,  
LANNING,

On the part of the House.

By Smith of Tarrant, H. B. No. 969.  
and others.

#### A BILL To Be Entitled

An Act authorizing the State or any subsidiary corporate body politic of the State or any other governmental agency of the State to make compensation to common school districts or independent school districts or other similar tax supported educational district-creatures of the State under certain conditions enumerated in the Act. The principal condition (not meaning hereby to exclude the other conditions specifically set out in the Act) is that the governmental agencies named in the Act are given authority to make compensation or accord aid to school districts when the construction of public improvements by governmental agencies results to impair the ability of school districts to pay their bonded debts and to properly perform their functions

as educational institutions; also limiting the compensation or aid which any enumerated governmental agency may make to a school district which has conditions as set forth in the Act; also authorizing the rendition of certain lands of the State or State governmental agencies for taxation by school districts, and specifying the conditions under which this may be done; also providing for publication of notice of the intent to lease lands of certain state agencies, in certain cases, and specifying the conditions under which, and the form in which, publication must be made; stating the conditions constituting an emergency, declaring the same, and providing that the Act shall have effect immediately after its enactment.

Be it enacted by the Legislature of the State of Texas, That:

Section 1. Declaration concerning the corporate bodies politic or other governmental agencies to be affected by the Act. Whenever it appears that the consummation of any project by the State of Texas, or by any subsidiary corporate body politic of the State, or by any other governmental agency of the State (all of which, for convenience, hereinafter usually will be referred to as "State agency") has resulted, or will result, in producing in the affairs of any common school district, or independent school district, or other similar tax-supported educational district-creatures of the State (by whatever name they be designated, for convenience to be hereinafter usually referred to as "school district," or "district"), the conditions hereinafter designated; then, there may be exercised by the governing authority of the State's agency having control of any such project, the powers hereinafter established, under the conditions hereinafter defined.

Sec. 2. The conditions which must exist as a basis for invocation of the powers of this Act:

(a) The school district has outstanding bonds or other indebtedness, which indebtedness must be paid, in whole or in part, by using the proceeds of ad valorem taxes levied by the district;

(b) It appears that the uncompensated loss of taxable values by the district will unduly burden the

property, or the owners of the property, remaining subject to the taxing power of the district; or, if it appears that the district thereafter will not be able to discharge its function as an educational agency of the State, in a manner substantially comparable to that standard theretofore prevailing in the district; and,

(c) To be a necessary condition for any relief under the provisions of this Act; the State agency has assurance of revenues to be derived from taxation of property not subject to taxation by one or more school districts conditioned as set forth in this Act, and deemed to be adequate in amount to afford the relief sought to be provided by this Act, without assuredly impairing the ability of a given affected State agency to discharge its lawfully imposed duties to the State; then:

Sec. 3. Defining the powers for relief to be conferred by this Act. Whenever there be present in the relations of the State, or a State agency, to a school district concurrence of the conditions specified in Section 2 of this Act, then the governing body (or duly constituted and empowered officer or officers) of the State agency producing distress in the affairs of an affected school district, may exercise discretion to compensate the district and cooperate with it in the manners and within the limits now to be specified, i. e.:

(1) The State or any State agency in this Act specified may pay for the use and benefit of the district a sum of money not to exceed that which would be produced by taxing for a period of not to exceed six (6) years the property of the State agency, at the assessed valuation and at the rate of the district's tax levy for the particular year in which the appropriation of the given property was consummated; however:

(2) In no event shall the compensation to be made hereunder to any given district exceed the amount of its outstanding bonded debt on December 31st of the year during which the State agency may have acquired the property theretofore subject to the district's taxing power, plus a sum of money equal to the amount which will be produced by: Take the assessed value of the property acquired for the year in which it was acquired and apply thereto the rate of tax levied by the district for that year for operating costs (ex-

cluding levies for the betterment of the school plant and money to care for funded debt) and extend the amount to be produced in one (1) year for a period of not to exceed six (6) years; provided that compensation to be made hereunder shall be either under the terms of this subdivision (2) or under subdivision (1) foregoing, whichever will result in the smaller amount of compensation; and:

Sec. 4. Authorizing the rendition of certain lands of State agencies for taxation by school districts. Whenever any State agency in acquiring land for its project acquires land so conditioned that:

(1) It is not needed to accomplish the objects of the project;

(2) Its segregation and separate use will not impair the usefulness of the remaining land so acquired; the land when segregated may be made to produce a rental or revenue; or, whenever any land so conditioned is held in anticipation of potential or future (undeveloped) needs, then it shall be lawful for any State agency, through its appropriate governing authority, to subject such land to taxation by a school district eligible for compensation hereunder, until such time as need for the actual use of such land has come into existence.

Sec. 5. Where the law peculiar to any given state agency does not provide for it a duty differing from that next provided, and the particular governmental agency (not differently directed (owns or controls lands subject to lease by others, then:

(a) Unless advertized as hereinafter provided; no lease upon any such land intended to confer on another the right of use for a period extending to a time later than December 31 of the calendar year in which the term of the particular use begins to run, shall be valid; and:

(b) Expressly excepted from need for advertisement as hereinafter provided for, are lands conditioned as follows:

1. Tracts of land not exceeding ten (10) acres in area;

2. Tracts of land as to which the reasonable lease value will not exceed one hundred dollars (\$100) per annum;

3. All lands not intended to be subjected to use in agriculture or grazing, and meaning hereby to pro-

vide for the hereinafter stipulated notice only in case of lands intended for use in agriculture and grazing, or leases for terms designated in subdivision (a) of this Section (unless the same may be excepted herefrom by the provisions subdivision (b) of this Section) must be subjected to preliminary advertisement of the intent to lease the same, under the provisions that: The notice of the intent to lease for the calendar year next to ensue shall be published one time in the month of October of any given year, prior to the fifteenth day of that month, in a newspaper (if such there be) published in and having general circulation in each county in which the State agency may hold such leasable land (in default of a newspaper published in a given county to be published in any newspaper having general circulation therein); and such published notice shall be sufficient if it, in substance, gives fair advice that; the advertising State agency will on a definite date (not earlier than October 25th of the particular year) begin to consider and thereafter continue to consider and determine the proposals for leases which may come to it; and, the notice further shall give advice as to the place or places, person or persons at which or to whom proposals for lease shall be made; further, the notice must state the postal address of the principal office of the given lessor agency and state that any interested person may have full knowledge concerning the lands proposed to be placed under lease, and the proposed terms of the leases, by applying at the address given.

Sec. 6. Statement of reason for declaring an emergency. The fact that the State and many governmental agencies of the State (without excluding any others, to include counties, cities, towns, navigation districts, and the various classes of conservation and reclamation districts or authorities created by the State) have acquired, and in the future must acquire, bodies of land, which prior to such acquisition formed a material element of the consideration for the creation of rural school districts and the issuance of bonds by them; and, the further facts that the acquiring of such lands, in many instances, has rendered difficult the operation of rural

schools and the payment of their outstanding debts, and has, as well, made it difficult (often impossible) for such districts to induce neighboring districts to absorb them, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House of the Legislature, be suspended and that this bill upon its enactment be immediately effective. The emergency hereby is established, the Rule hereby is suspended, and this bill shall have effect immediately after its enactment subject only to the right of the Governor of Texas to veto the Act, and it is so enacted.

Senator Rawlings moved that the report be adopted.

The report was adopted by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

**Senate Bills Nos. 463 and 464 on First Reading.**

The following (local) bills were introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Pace:

S. B. No. 463, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than twenty-four thousand one hundred eighty (24,180) inhabitants, nor more than twenty-four thousand one hundred ninety (24,190) inhabitants according to the last preceding

Federal census; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; providing that this Act shall not be construed as repealing Chapter 362, Acts of the Regular Session of the Forty-fourth Legislature except in so far as in direct conflict herewith, but shall be cumulative; and declaring an emergency."

By Senator Westerfeld:

S. B. No. 464, A bill to be entitled "An Act providing that in all counties having a population of more than 320,000 inhabitants and less than 350,000 inhabitants, according to the last preceding and any future Federal census, the county juvenile board of such counties shall act as a board of managers for all county institutions, maintained wholly by county funds, having the care, custody, control, maintenance and education of any juvenile in such county committed by any district court and/or the county court, sitting as a juvenile court, either as a dependent child or a delinquent child; providing that such juvenile board shall prescribe the rules and regulations under which all such institutions and/or any person maintaining and educating any dependent and/or delinquent child under orders of such courts; providing that said county juvenile boards shall appoint the supervisor and/or matron of such institutions and such other domestic, educational, medical and other employees necessary to properly care, maintain and educate such dependent and/or delinquent child; providing that said board shall fix the compensation of all such employees; providing that said board shall designate such persons who shall care, board, maintain and educate any dependent and/or delinquent child and prescribe the rate of pay to be paid such person; and providing that the members of such county juvenile board who are judges of a district court in such counties, shall receive additional compensation as payment for the additional duties and services required herein; and further providing for the repeal of any and all laws or parts of laws, special or general, in conflict herewith, and declaring emergency."

**House Joint Resolution No. 20 on  
Second Reading.**

The President laid before the Senate, on its second reading and passage to third reading:

H. J. R. No. 20, Proposing an amendment to Article XVI, Section 1 of the Constitution of the State of Texas; changing the form of the oath of office for members of the Legislature and all offices of the State of Texas; providing for an election upon such constitutional amendment and making an appropriation therefor.

The resolution was read second time and was passed to third reading.

**House Joint Resolution No. 20 on  
Third Reading.**

Senator Moore moved that the rule requiring joint resolutions to be read on three several days be suspended and that H. J. R. No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Collie.
Beck.	Cotten.
Burns.	Davis.

Head.	Redditt.
Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Lemens.	Spears.
Moore.	Stone.
Neal.	Sulak.
Nelson.	Van Zandt.
Newton.	Weinert.
Oneal.	Westerfeld.
Pace.	Winfield.
Rawlings.	Woodruff.

Absent—Excused.

Brownlee.

**House Bill No. 158 on Passgae to  
Third Reading.**

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 158, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1937, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the county treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by county treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

With the following amendment by Senator Holbrook pending:

Amend H. B. No. 158 by striking out Section 1 thereof and inserting in lieu thereof the following:

Section 1. That for a period of five (5) years beginning with the taxable year 1937, there is hereby donated and granted by the State of Texas to each respective county of this State, all of the State ad valorem taxes collected for General Revenue purposes upon the property and from the persons in each respective county, not heretofore donated or granted by the State of Texas to any county, city, district, or other political subdivision of the State, including ad valorem taxes on the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law. Said taxes so collected in each respective county shall be used by the county commissioners court of said county for the following purposes: constructing flood control works and improvements in said county, for improvements to prevent soil erosion and for soil conservation purposes, for irrigation and drainage projects, reforestation, road building, and any other constitutional purposes. The taxes hereby donated shall be levied and assessed and collected as now provided by law except that the assessor and collector of taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as provided by law and shall pay over to the treasurer of the county all moneys collected by him at the end of each month and during the period covered by this donation, except such amounts as now allowed by law for assessing and collecting the same and shall forward a duplicate copy of the receipt given him by the county treasurer for said money to the Comptroller. This Act shall not apply to those cities, counties, or other political subdivisions of this State which are now receiving or will receive a donation and grant of ad valorem taxes by virtue of any bill passed before the effective date of this bill; provided, however, that if the donation and grant of ad valorem taxes now being received, or which will be received by virtue of any bill passed before the effective date of this Act, by any city, county, or other political subdivision shall expire before the expiration date of this bill, then the

provisions of this bill shall apply to said cities, counties, or other political subdivisions for a period of time equal to the difference between the time the donation and grant, now being received, or to be received, expires and the expiration date of this bill. Provided, further, that during the tenure of this Act the automatic tax board is hereby empowered and expressly instructed to set the State ad valorem rate for General Revenue purposes at a rate of not less than thirty (30) cents per hundred dollars of assessed value. Before any funds herein donated or diverted to any county shall be expended by the commissioners court of such county, a referendum shall be had by referring the matter to the qualified voters of the county, and if such referendum fails said court shall be required to reduce the tax rate for general purposes in such county in proportion to the amount of such State taxes so donated or diverted.

Question—Shall the amendment be adopted?

Senator Roberts offered the following substitute for the amendment:

Amend H. B. No. 158 by striking out Section 1 thereof and inserting in lieu thereof the following:

Section 1. That for a period of two (2) years beginning with the taxable year 1937, there is hereby donated and granted by the State of Texas to each respective county of this State, all of the State ad valorem taxes collected for General Revenue purposes upon the property and from the persons in each respective county, not heretofore donated or granted by the State of Texas to any county, city, district, or other political subdivisions of the State, including ad valorem taxes on the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law. Said taxes so collected in each respective county shall be used by the County Commissioners' Court of said county for the following purposes: to reduce the tax rate for general purposes in such county in proportion to the amount of such State taxes so donated or diverted. The taxes hereby donated shall be levied and assessed and collected as now provided by law except that the Assessor and Collector of

taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as provided by law and shall pay over to the Treasurer of the county all moneys collected by him at the end of each month and during the period covered by this donation, except such amounts as now allowed by law for assessing and collecting the same and shall forward a duplicate copy of the receipt given him by the County Treasurer for said money to the Comptroller. This Act shall not apply to those cities, counties, or other political subdivisions of this State which are now receiving or will receive a donation and grant of ad valorem taxes by virtue of any bill passed before the effective date of this bill; provided, however, that if the donation and grant of ad valorem taxes now being received, or which will be received by virtue of any bill passed before the effective date of this act, by any city, county, or other political subdivision shall expire before the expiration date of this bill, then the provisions of this bill shall apply to said cities, counties, or other political subdivisions for a period of time equal to the difference between the time the donation and grant, now being received, or to be received, expires and the expiration date of this bill.

Provided, further, that during the tenure of this Act the automatic tax board is hereby empowered and expressly instructed to set the State ad valorem tax rate for General Revenue purposes at a rate of not less than thirty (30) cents per Hundred Dollars of assessed value. The Commissioners' Court of each such county shall be required to reduce the tax rate for general purposes in such county in proportion to the amount of such State taxes so donated and diverted.

ROBERTS,  
BECK.

Senator Van Zandt raised a point of order on further consideration of the bill on the ground that it provides, as set forth in the caption, a grant or donation to the counties of the State in contravention of Section 51 of Article 3 of the Constitution, which reads as follows:

"The Legislature shall have no power to make any grant or authorize the making of any grant of pub-

lic moneys to any . . . . municipal or other corporation whatsoever . . . ."

The President overruled the point of order.

Question—Shall the substitute be adopted?

#### Concert by Glee Club.

Senator Rawlings asked unanimous consent of the Senate that the Glee Club of the Texas Christian University be invited to render a concert in the Senate Chamber at this time.

There was no objection offered.

Accordingly, the director and members of the Club were admitted to the Senate Chamber and were accompanied by Senators Rawlings and Head to the bar of the Senate.

Senator Rawlings introduced Director W. J. Marsh, author of the song "Texas, Our Texas," who directed the Club's rendition of the following numbers:

Home on the Range.  
T. C. U. Medley.  
Passing By.  
The Night Is Young.  
Another Mile.  
Texas, Our Texas.

#### Senate Bill No. 337 With House Amendments.

Senator Burns called up S. B. No. 337 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

Senator Moore moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following free conference committee on the part of the Senate:

Senators Burns, Redditt, Pace, Rawlings and Moore.

**Senate Bill No. 80 With House Amendments.**

Senator Davis called up S. B. No. 80 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Davis moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

**House Concurrent Resolution No. 91.**

The President laid before the Senate:

H. C. R. No. 91, Authorizing correction of enrolled copy of H. B. No. 473.

On motion of Senator Holbrook and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee and the regular order of business were suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, April 8, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 79, Granting Grover C. Ditto and wife permission to sue the State of Texas and the Highway Commission.

H. C. R. No. 80, Granting permission to Dr. C. C. Shotts permission to sue the State of Texas and the Highway Department.

H. C. R. No. 81, Granting Cleo Fletcher permission to sue the State of Texas.

H. C. R. No. 91, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 473.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Report of Conference Committee on House Bill No. 150.**

Senator Shivers called up from the President's table, for consideration at this time, the free conference committee report on H. B. No. 150.

Senator Hill moved to table the report subject to call, and the motion was lost.

Question—Shall the report be adopted?

**Senate Concurrent Resolution No. 55.**

Senator Lemens, by unanimous consent, offered the following resolution:

Whereas, Dr. H. R. Allman while employed by the Live Stock Sanitary Commission of Texas during a State-wide tuberculosis eradication campaign was, on or about June 13, 1934, engaged in testing cattle near Weatherford, Parker County, Texas; and

Whereas, During said testing in said city and said county the said H. R. Allman was seriously injured due to the negligence and carelessness of one of the helpers and that the said Allman was hooked in the face by a cow, and his face was permanently disfigured and his sight impaired; and

Whereas, It is alleged that the said Dr. H. R. Allman has been put to considerable expense and has suffered physical and mental pain from the accident and has lost money as a result of the accident which prevented him from working while undergoing treatment to correct the trouble caused by said accident; and Whereas, It is alleged that the amount of money spent and time lost amounts to Six Hundred, Forty-two Dollars and Seventy Cents (\$642.70), and it is further alleged that a sum of Two Thousand (\$2000.00) Dollars should be paid to the said H. R. Allman to compensate him for impaired eyesight and facial disfiguration; and

Whereas, It is alleged that the said Dr. H. R. Allman has never been compensated by the State of Texas for his damages resulting from said accident; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the said Dr. H. R. Allman,

his heirs, executors and administrators be, and the same are hereby granted permission to bring suit against the State of Texas, and against the State Live Stock Sanitary Commission of Texas, in any court of competent jurisdiction in Texas, in order to fix and award the amount of damages, if any, that the said Dr. H. R. Allman is entitled, under the Laws and Constitution of the State, to receive from the State of Texas, and the Live Stock Sanitary Commission of Texas as compensation an account of said accident; and that in case such suit be filed, service of citation or other necessary process shall be had upon the chairman of the Live Stock Sanitary Commission of Texas or upon the Attorney General of the State of Texas, and that the same shall have the same force and effect as made and provided in other civil cases, and that either of the parties to said suit shall have the right to appeal.

The resolution was read and was referred by the President to the Committee on State Affairs.

#### Recess.

Senator Oneal moved that the Senate recess to 2:00 o'clock p. m. today.

Senator Redditt moved that the Senate recess to 3:00 o'clock p. m. today.

Senator Shivers moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—14.

Beck.	Spears.
Burns.	Stone.
Moore.	Sulak.
Pace.	Van Zandt.
Redditt.	Weinert.
Shivers.	Westerfeld.
Small.	Winfield.

#### Nays—15.

Aikin.	Head.
Collie.	Hill.
Cotten.	Holbrook.
Davis.	Isbell.

Lemens.  
Neal.  
Nelson.  
Newton.

Oneal.  
Roberts.  
Woodruff.

Absent.

Rawlings.

Absent—Excused.

Brownlee.

Question next recurring on the motion of Senator Redditt, it prevailed.

The Senate, accordingly, at 12:15 o'clock p. m., took recess to 3:00 o'clock p. m. today.

#### Afternoon Session.

The Senate met at 3:00 o'clock p. m. and was called to order by the President.

#### Appointments Announced.

The President announced the appointment of the following committee pursuant to the provisions of S. R. No. 63, adopted today:

Senators Holbrook, Aikin and Hill.

#### House Concurrent Resolutions Referred.

The following resolutions, received from the House today, were laid before the Senate, read severally, and referred to the Committee on State Affairs:

H. C. R. No. 79.  
H. C. R. No. 80.  
H. C. R. No. 81.

#### Reports of Standing Committees.

By unanimous consent, reports on S. B. No. 451 and on House Bills Nos. 404, 463 and 377 were submitted at this time by the Chairman of the Committee on State Affairs. (See appendix for reports in full.)

#### Senate Resolution No. 64.

Senator Hill, by unanimous consent, offered the following resolution:

Whereas, The attention of the Senate of the State of Texas has been called to the fact that a vast amount of submerged lands belonging to the State of Texas have been leased for mineral development to various oil companies; and

Whereas, The Permanent School Fund of the State of Texas has been greatly enriched by such leasing; and

Whereas, A controversy has now arisen between the owners of the lease and the State hereinabove referred to and the citizenship of various seaport sections of the State of Texas; and

Whereas, It is the desire of the Senate of the State of Texas and all parties concerned that amicable and satisfactory adjustments of the questions that now exist can be brought about, and the possibility of loss of revenue to these funds be averted, and the possibility of the destruction of aquatic life be averted; now, therefore, be it

Resolved, By the Senate of the State of Texas, That the President of the Senate be and he is hereby authorized to appoint a committee of five members of the Senate to sit at such times and places between this date and the first day of October, 1937 as may to said committee seem necessary and proper, and which committee shall pursue an inquiry into the situation and conditions herein above referred to, and to inquire into similar situations and conditions as they may exist in other sections of the United States, looking to an adjustment and to relieving the possibility of either the loss of revenue and the destruction of aquatic life; be it further

Resolved, That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting and adjourning. Sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee and the committee shall appoint its own secretary and employees, and its sergeant-at-arms; be it further

Resolved, That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books, records or memorandums the committee may re-

quire. The committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State. Each member of the committee shall, for the purpose of hearing and obtaining testimony, constitute a quorum of said committee, and each member shall have the authority vested in the committee to summon and compel the attendance of witnesses as hereinabove provided; and, be it further

Resolved, The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the District Court.

The committee shall have the power and authority to employ and compensate all necessary experts and all necessary employees, and it shall be the duty of the committee to make and keep a record of its investigations, and report to the Legislature of the State of Texas and the Governor of the State its findings and recommendations, and it shall be the specific duty and obligation of the committee to formulate law or laws which in its wisdom it may deem necessary to accomplish the purpose for which the committee was created.

The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-fifth Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of the committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of the Forty-fifth Legislature to meet the payment of such per diem and expenses of the members and employees of said committee.

SPEARS,  
HILL.

The resolution was read and was transmitted to the President's table.

**Free Conference Committee Report on House Bill No. 150.**

The Senate resumed consideration of the report of the free conference

committee on H. B. No. 150, with motion by Senator Shivers that the report be adopted pending.

Senator Oneal moved that the report be recommitted to the free conference committee and that the House be requested also to recommit the report, in order that the differences between the two Houses on the bill might be further considered and another report submitted thereon.

Senator Shivers moved that the report and pending motions be tabled subject to call.

Question then first recurring on the motion to table subject to call, it prevailed.

#### Senate Resolution No. 62.

Senator Hill asked recognition to move that the regular order of business be suspended to take up for consideration at this time the following resolution:

S. R. No. 62, Relating to holding afternoon and night sessions by the Senate.

Senator Rawlings raised the point of order: That the motion to suspend may not be made until completion of the morning call, which will not be concluded today until disposal in their proper order of all House bills on the Senate calendar.

The President sustained the point of order.

#### Conference Committee on Senate Bill No. 80.

The President announced the appointment of the following free conference committee on the part of the Senate, on S. B. No. 80:

Senators Davis, Neal, Oneal, Winfield and Lemens.

#### House Bill No. 158 on Passage to Third Reading.

The Senate resumed consideration of the pending business, same being H. B. No. 158, relating to remission of State ad valorem taxes to counties, with amendment by Senator Holbrook and substitute by Senator Roberts for the amendment pending.

(Senator Davis in the Chair.)

Question—Shall the substitute be adopted?

#### Report of Conference Committee on House Bill No. 150 Recommitted.

Senator Shivers called up from the President's table, for further consideration at this time, the report of the free conference committee on H. B. No. 150, with motion by Senator Shivers that the report be adopted and motion of Senator Oneal that the report be recommitted to the free conference committee and the House requested also to recommit the report, pending.

The Presiding Officer laid the report, with the pending motions before the Senate.

Question then first recurring on the motion of Senator Oneal, it prevailed.

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 8, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which the conference report on H. B. No. 150 was adopted and grants the request of the Senate that the report be recommitted to the conferees for further consideration.

The House has adopted the Conference Committee report on H. B. No. 969 by a vote of 126 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 158 on Passage to Third Reading.

The Senate resumed consideration of pending business, same being H. B. No. 158, on its passage to third reading, with amendment by Senator Holbrook and substitute by Senator Roberts for the amendment pending.

Senator Weinert moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—16.

Burns.	Pace.
Collie.	Rawlings.
Davis.	Small.
Head.	Spears.
Holbrook.	Sulak.
Isbell.	Weinert.
Moore.	Westerfeld.
Newton.	Woodruff.

## Nays—10.

Aikin.	Redditt.
Beck.	Roberts.
Hill.	Shivers.
Lemens.	Stone.
Oneal.	Van Zandt.

## Absent.

Cotten.	Nelson.
Neal.	Winfield.

## Absent—Excused.

Brownlee.

Question then recurring on the amendment, it was adopted.

Senator Aikin offered the following amendment to the bill:

Amend the bill as amended by inserting at the proper place the following:

"Not less than 75 per cent of the amount so received shall be used for retirement of outstanding county bonds or warrants and the remaining 25 per cent may be used for soil conservation purposes at the discretion of the commissioners court."

And by striking out any conflicting provision in the bill as amended.

(President in the Chair.)

Senator Collie moved that the bill be tabled subject to call.

Question—Shall the motion to table subject to call prevail?

By unanimous consent, the following proposed amendments to the bill were submitted and ordered printed in the Journal:

## (1)

Amend H. B. No. 158 by adding a new Section to be known as 1a and reading as follows:

"If any county, city or political subdivision is now receiving or shall receive a donation or grant of a por-

tion of the State ad valorem taxes from the State through an Act of the Forty-fifth Legislature other than this Act, such other Act shall be effective as to the taxes donated or granted therein, and this Act shall be effective to grant and donate to such county, city or political subdivision, all ad valorem taxes not now or in such other Act or Acts granted or donated to such county, city or political subdivision; and this Section shall control anything in this Act to the contrary notwithstanding."

(Signed) Moore, Redditt, Burns, Spears and Shivers.

## (2)

Amend H. B. No. 158 by adding a new Section to be inserted in the proper place, and to read as follows:

"This Act shall not become effective until and conditioned only that the Legislature of this State will provide sufficient revenue to reimburse the General Fund of the State of Texas for the loss sustained by this Act in the sum of not less than Ten Million (\$10,000,000.00) Dollars annually.

REDDITT.

## (3)

Amend H. B. No. 158, page 2, line 9 by substituting a semi-colon for the period after the word "purpose" and adding the following: "or for the purpose of reducing the bonded or other indebtedness of the county or for the purpose of reducing the overall tax rate of the county."

HILL.

## (4)

Amend H. B. No. 158, page 2, line 35 by adding after the word "diverted" the following:

"The ballot upon which said referendum is submitted to the people of the county shall be submitted in the following manner:

"For constructing flood control works and improvements in \_\_\_\_\_ County, for improvements to prevent soil erosion and for soil conservation purposes, for irrigation and drainage projects, reforestation, road building, or any other constitutional purpose.

"For the purpose of reducing the overall tax rate of \_\_\_\_\_

County. The proposition receiving the greatest number of votes shall represent the will of the people of the county, and shall be binding upon the commissioners' court of such county."

HILL.

(5)

Amend pending amendment by adding a new Section to read as follows:

"Sec. --- This Act shall become effective if and when the Constitutional amendment proposed by S. J. R. No. 5, Acts of the Forty-fifth Legislature, is adopted by vote of the people of the State of Texas, and unless said Constitutional amendment is duly and legally adopted, this Act shall be null, void and of no force or effect."

SMALL.

#### Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof and their captions had been read, the following enrolled bills:

H. B. No. 258, "An Act creating Firemen's Relief and Retirement Fund in the State of Texas and in all cities, towns, and villages thereof having a regularly organized fire department with fire fighting equipment or apparatus of the value of One Thousand (\$1,000.00) Dollars or more therein; etc., and declaring an emergency."

H. B. No. 721, "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

H. B. No. 718, "An Act conveying the title of the State of Texas to lot No. 3, block 1, in the R. T. Mulcahy's addition to the town of Rosenberg, Fort Bend County, Texas, acquired by the State under tax sale, to the Rosenberg Gin Company, a Texas corporation, and declaring an emergency."

H. B. No. 674, "An Act validating

all elections, election orders, election proceedings and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of any incorporated city having a population of not less than four thousand and not more than four thousand, five hundred inhabitants, as shown by the last preceding Federal Census, and declaring an emergency."

H. B. No. 597, "An Act to amend Article 7009, Revised Civil Statutes of Texas, 1925, increasing the term of office for the members of the Live Stock Sanitary Commission of the State of Texas from two to six years so that one term of office will expire each two years, providing for the appointment of a chairman of said commission, and declaring an emergency."

H. B. No. 598, "An Act amending Article 2700 of the Revised Civil Statutes of Texas, 1925, increasing the allowance for office and traveling expenses for county superintendent of Rusk County to not exceeding \$900.00, etc."

H. B. No. 87, "An Act to amend Chapter 210, Acts of the Regular Session of the Forty-first Legislature, as amended by H. B. No. 4, Chapter 142, page 381, Acts of the Regular Session of the Forty-fourth Legislature, empowering the State Textbook Commission to adopt a multiple list of textbooks in German, Czech, and French languages for use in high schools; commercial arithmetic and bookkeeping in the English language, and also other high school texts on such other subjects for use in junior high schools as may be determined by a seven-ninths vote of said commission; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 512, "An Act amending Sections 4, 7, 9, 10, 11, 14 and 22 of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290, and adding Sections 7a and 7b thereto; the amendment of Section 4 providing that the independent school district or city that has assumed control of its schools or where the same has been organized as a junior college district has an independent entity which is governed, administered and controlled by and under the direction of the Board of

Education of such district or city, and conferring upon said Board of Education of said junior college district the rights, powers, privileges and duties imposed upon trustees of independent school districts by the General Laws of the State of Texas in so far as they may be applicable and not inconsistent with this Act, etc., and declaring an emergency."

H. B. No. 213, "An Act amending Article 4725 of the Revised Civil Statutes of 1925, as amended Acts, 1935, Forty-fourth Legislature, page 28, Chapter 10; designating the securities in which the funds of life insurance companies may be invested; providing that life insurance companies may invest funds in interest bearing notes or bonds of the University of Texas, and declaring an emergency."

H. B. No. 317, "An Act amending Article 2700 of the Revised Civil Statutes of Texas, 1925, increasing the allowance for office and traveling expenses for county superintendent of Hunt County to not exceeding \$600.00 per annum, and declaring an emergency."

H. B. No. 273, "An Act to grant Mrs. Beulah Baker McFarland and husband, A. C. McFarland and A. D. Baker and wife Alty Baker of Bell County, Texas, permission to bring suit against the State of Texas and the State Highway Department for damages for personal injuries received by and the death of Robert Baker on account of the alleged negligence of the State Highway Department and of its employees while Robert Baker was employed on construction work on State Highway No. 2 in Bell County, Texas; providing for place of venue; providing such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; providing for contingent appropriation to pay any judgment recovered, and declaring an emergency."

H. B. No. 915, "An Act authorizing the county school board of trustees in counties of a population of not less than seventeen thousand five hundred (17,500) and not more than seventeen thousand five hundred and seventy (17,570) according

to the last preceding Federal Census, upon proper petition to detach territory lying in county line districts and attach same to any school district; providing for adjustment of bonded indebtedness, and declaring an emergency."

H. B. No. 809, "An Act prohibiting the setting of any steel trap, snare, or deadfall in Colorado County for the purpose of taking any fur bearing animals for a period of two years; providing certain exceptions; repealing all laws in so far they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 974, "An Act relating to the jurisdiction of the County Court of Sterling County, conferring upon said court civil and criminal jurisdiction, and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

H. B. No. 796, "An Act validating the creation and organization of all school districts including common school districts, and validating all of the actions of county board of trustees with reference to annexation of territory to school districts or detachment of territory from school districts or any type of annexation whatsoever, and declaring an emergency."

H. B. No. 749, "An Act amending Article 3933 of the Revised Civil Statutes of Texas, fixing the fees for sheriffs and constables in serving processes in all civil matters, and repealing Article 3936 of the Revised Civil Statutes of Texas, and declaring an emergency."

#### Senate Joint Resolution No. 16 on First Reading.

The following joint resolution was introduced, read first time and referred to the Committee on Constitutional Amendments:

By Senator Moore:

S. J. R. No. 16, Proposing an amendment to Article III, Section 52, of the Constitution of the State of Texas by adding thereto a new Section to be known as Section 52d;

providing that the Legislature may authorize by law, after a majority vote of the resident qualified electors owning taxable property therein, the adoption of a plan for the construction of paved roads and bridges or both in any county or road district of the State; providing for the levy of a tax to pay for such construction; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation, publication, and election.

#### Adjournment.

On motion of Senator Weinert, the Senate, at 4:50 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX.

##### Bills Filed in Department of State.

Austin, Texas, April 7, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Tuesday, April 6, 1937:

##### S. B. No. 107:

Vote in Senate, Yeas 27, nays 1.  
Vote in House, yeas 104, nays 0.  
Date signed by the Governor, April 6, 1937.

##### S. B. No. 121:

Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 117, nays 1.  
Date signed by the Governor, April 6, 1937.

##### S. B. No. 130:

Vote in Senate, Yeas 24, nays 0.  
Vote in House, viva voce.  
Date signed by the Governor, unsigned.

##### S. B. No. 304:

Vote in Senate, yeas 29, nays 0.  
Vote in House, yeas 111, nays 1.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 147:

Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 120, nays 1.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 244:

Vote in Senate, yeas 26, nays 0.  
Vote in House, yeas 121, nays 0.  
Date signed by the Governor, unsigned.

##### H. B. No. 288:

Vote in Senate, yeas 26, nays 0.  
Vote in House, yeas 102, nays 18.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 359:

Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, unsigned.

##### H. B. No. 451:

Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 114, nays 0.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 569:

Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 106, nays 2.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 593:

Vote in Senate, yeas 31, nays 0.  
Vote in House, yeas 107, nays 0.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 606:

Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 120, nays 0.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 672:

Vote in Senate, yeas 26, nays 0.  
Vote in House, yeas 110, nays 0.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 716:

Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 108, nays 0.  
Date signed by the Governor, April 6, 1937.

##### H. B. No. 962:

Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 121, nays 0.  
Date signed by the Governor, April 6, 1937.

##### H. C. R. No. 31:

Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, April 6, 1937.

H. C. P. No. 49:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor,  
unsigned.

H. C. R. No. 56:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor,  
unsigned.

H. C. R. No. 66:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, April  
6, 1937.

H. C. R. No. 76:  
Vote in Senate, viva voce.  
Vote in House, yeas 114, nays 1.  
Date signed by the Governor,  
unsigned.

H. C. R. No. 83:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, April  
6, 1937.

H. C. R. No. 86:  
Vote in Senate, viva voce.  
Vote in House, viva voce.  
Date signed by the Governor, April  
6, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

M. E. SANDLIN,  
Assistant Secretary of State.

#### Reports of Standing Committees.

Committee Room,  
Austin, Texas, April 8, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
Counties and County Boundaries, to  
whom was referred

S. B. No. 463, A bill to be entitled  
"An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than twenty-four thousand one hundred eighty (24,180) inhabitants, nor more than twenty-four thousand one hundred ninety (24,190) inhabitants according to the last preceding Federal Census; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; providing that

this Act shall not be construed as repealing Chapter 362, Acts of the Regular Session of the Forty-fourth Legislature except in so far as in direct conflict herewith, but shall be cumulative; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,  
Austin, Texas, April 8, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
Counties and County Boundaries to  
whom was referred

H. B. No. 932, A bill to be entitled  
"An Act to fix the salaries and compensation of county commissioners in counties with a taxable valuation of not less than Forty-seven Million One Hundred Thousand Dollars (\$47,100,000) nor more than Forty-eight Million, One Hundred Thousand Dollars (\$48,100,000) taxable valuation according to the valuation as shown on the county tax assessor's rolls for county purposes, and providing for payment of such salaries and the funds from which such salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,  
Austin, Texas, April 8, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
Counties and County Boundaries, to  
whom was referred

H. B. No. 146, A bill to be entitled  
"An Act amending Article 5142 of the Revised Civil Statutes of Texas of 1925, as amended by the Acts of 1927, Fortieth Legislature, Chapter 228; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main pur-

pose of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,  
Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 759, A bill to be entitled "An Act defining a 'wholesale fur buyer,' a 'retail fur buyer,' and a 'trapper'; providing licenses for those engaged in such business and defining the privileges granted under such licenses; providing for the disposition of funds collected from the sale of such licenses; repealing all laws in conflict with this Act, and specifically that portion of the law of this State requiring a tax receipt tag to be attached to the pelts of fur-bearing animals; providing a suitable penalty for violation of any provision of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 980, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill any wild deer, buck, doe, fawn, or wild turkey in the Counties of Leon, Madison, Robinson, Brazos, Freestone, Grimes, Milam, Lee, and Burleson; prescribing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,  
Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 451, A bill to be entitled "An Act to amend H. B. No. 194, Chapter 292, of the Forty-first Legislature at the Regular Session, the same being an Act entitled 'An Act to aid the City of Port Arthur, Texas, situated in Commissioners' Precinct No. 2 of Jefferson County, Texas, in constructing and maintaining sea walls, breakwaters and shore protections in order to protect said city from calamitous overflows, by extending the provisions of said Act for a period of ten years, etc.'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 404, A bill to be entitled "An Act granting C. A. Gindratt and wife, their heirs and assigns, permission to sue the State of Texas and the State Highway Department, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 463, A bill to be entitled "An Act to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, and as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature relative

to the Board of County and District Road Indebtedness, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 377, A bill to be entitled "An Act amending Section 6 of Article III of H. B. No. 8, Acts Forty-fourth Legislature, Third Called Session, exempting from taxation any admission collected for dances, moving pictures, operas, and musical entertainments, all proceeds of which inure exclusively to the benefit of State, religious, educational, or charitable institutions, organizations, or societies, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 454 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 158 and S. B. No. 83 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 448 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 441 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 433 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 46 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 218 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, April 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 381 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.